

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

DEMCHAK PARTNERS LIMITED  
PARTNERSHIP; JAMES P. BURGER, JR. and  
BARBARA H. BURGER; WILLIAM A.  
BURKE, II and CLARA BURKE; WILLIAM  
A. BURKE, III; EDWARD J. BURKE;  
DONALD G. FULLER and KAREN M.  
FULLER; RANDY K. HEMERLY; LAMAR R.  
KING; LINDA J. SCHLICK; AND JANET C.  
YOUNG, on Behalf of Themselves and All  
Others Similarly Situated,

Case No. 3:13-cv-2289

Plaintiffs,

and

RUSSELL E. BURKETT and GAYLE  
BURKETT,

Plaintiffs-Intervenors,

v.

CHESAPEAKE APPALACHIA, L.L.C.,

Defendant.

**STIPULATION OF DISMISSAL**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs and  
Defendant hereby stipulate as follows:

WHEREAS, Plaintiffs initiated this case in this Court on August 30, 2013;

WHEREAS, on June 28, 2020, Defendant filed for bankruptcy under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of Texas;

WHEREAS, on January 16, 2021, the Bankruptcy Court entered the Order Confirming Fifth Amended Joint Chapter 11 Plan of Reorganization of Chesapeake Energy Corporation and Its Debtor Affiliates (Case No. 20-33233, ECF No. 2915) (the “Confirmation Order”), confirming, as modified therein, the plan of reorganized attached thereto as Exhibit A (the “Plan”), and on February 9, 2021, the effective date of the Plan occurred (“Effective Date”);

WHEREAS, on July 27, 2023, Chesapeake filed with the Bankruptcy Court the Motion for Entry of an Order (I) Enforcing the Confirmation Order and Plan Against the Reorganized Debtors; and (II) Declaring the MEC Settlement and Non-MEC Settlement Null and Void (Case No. 20-33239, ECF No. 322), which motion the Bankruptcy Court granted on August 31, 2023 (Case No. 20-33239, ECF No. 347) (“Order”);

WHEREAS, paragraph 1 of the Order directs that any claims that arose “prior to the Effective Date of the confirmed plan” shall be dismissed within 14 days;

NOW, THEREFORE, through counsel, the parties hereby stipulate and agree, subject to the approval of the Court, as follows:

1. Any claims that arose prior to the Effective Date (February 9, 2021) are hereby dismissed with prejudice.

2. Nothing in this Stipulation shall be construed to prejudice or impair Plaintiffs' rights to appeal paragraph 2 of the Order, holding that the MEC settlement is null and void, and if the appeal is successful, to move to enforce the MEC settlement in this Court and/or take necessary steps to bring such a motion.

3. Nothing in this Stipulation shall be construed to prejudice or impair Defendant's right to (1) argue that this case must be dismissed in its entirety because it does not assert any claims that arose after the Effective Date; and/or (2) oppose any efforts by Plaintiffs to move to enforce the MEC settlement in this Court.

4. Each party shall bear their own costs and attorneys' fees.

Dated: September 14, 2023

Respectfully submitted,

By: /s/ Daniel E. Seltz  
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*Attorneys for Defendant Chesapeake Appalachia, L.L.C.*

**CERTIFICATE OF SERVICE**

I certify that I have served a true and correct copy of the foregoing on  
counsel of record via electronic case filing.

Executed on this the 14th day of September, 2023.

/s/ *Daniel E. Seltz*

Daniel E. Seltz